

Serial No. 09/849,044

PATENT

REMARKS

This is in response to the final Office action dated November 18, 2003, paper No. 17, in which claims 1 and 3-9 are pending. Claims 1 and 7-9 were rejected, and claims 3-6 were objected to. In particular, claims 1 and 7-9 were rejected under 35 USC 102(b) as being anticipated by Babbs (WO 98/25544). Claims 3-6 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this amendment, the subject matter of independent claim 1 is being included in dependent claim 3, thus rewriting claim 3 in independent form. In view thereof, independent claim 3, as amended herein, and dependent claims 4-6 are in a condition for allowance as indicated by the Examiner, and it is requested that the objection to these claims be withdrawn.

Independent claim 1, is being amended to distinguish over Babbs by including that the first and second portions of the sleeve that compliment the inside and the outside surface of the stent are secured to the at least distal end of the at least one stent. This distinguishes over FIG. 2 in which the ends of the tubular submucosa tissue are folded over both ends of the stent and joined at approximately the mid point on the outside of the surface as depicted in FIG. 2. This interconnection provides a significant additional thickness to the sleeve, which makes the loading of the stent graft into a delivery catheter much more difficult and, more importantly, significantly reduces the diameter of the stent graft lumen through which blood will typically flow.

Applicants' invention in independent claim 1, as amended herein, significantly reduces the overall thickness of the stent graft wall as compared to Babbs, thus maximizing the stent graft lumen and greatly increasing the flow of blood therethrough. Furthermore, attaching the

Serial No. 09/849,044

PATENT

ends of the sleeve at the outside midpoint as depicted in Babbs greatly increases the possibility of leakage around the stent graft. As a result, applicants submit that the stent graft of applicants' invention in which the ends of the sleeve are secured to at least the distal end of the stent is not identically disclosed, taught or even suggested by Babbs, and it is requested that the rejection of this claim and dependent claims 7-9 under 35 USC 102(b) as being anticipated by Babbs, be withdrawn.

The reexamination and reconsideration of this application is respectfully requested, and it is further requested that the application be passed to issue.

Although the foregoing discussion is believed to be dispositive of the issues in this case, applicants' attorney requests a telephone interview with the Examiner to further discuss any unresolved issues remaining after the Examiner's consideration of this amendment.

Respectfully submitted,

Dusan Pavcnik
Josef Rosch
Frederick S. Keller

Date:

Jan. 14, 2004

By

Richard J. Godlewski
Richard J. Godlewski
Reg. No. 30,056
(812) 330-1824